

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

This document relates to:
ALL ACTIONS

MDL No. 2843
Case No. 18-md-02843-VC

**PRETRIAL ORDER NO. 11: ORDER
REGARDING LIMITED DISCOVERY**

Re: Dkt. No. 112

In its transfer order, the Judicial Panel on Multidistrict Litigation described these cases as "arising out of allegations that Cambridge Analytica and other defendants exploited Facebook's platform to obtain user data, and that Facebook should have imposed more robust controls on the use of data by third party applications to prevent this conduct." (Dkt. No. 1). At yesterday's hearing, however, lead counsel appeared to be developing a much broader view of the multidistrict litigation, and may seek to turn it into a wholesale legal attack on how Facebook advertises and shares user data, generally. Because the plaintiffs' case is not yet clear, discovery will largely be stayed pending a ruling on Facebook's upcoming motion to dismiss. But limited discovery will be allowed on the narrower issue for which the Judicial Panel originally transferred these cases here.


That discovery is limited to: (i) documents and information relating to the relationship between Facebook and either Aleksandr Kogan or his app, thisisyourdigitallife; (ii) documents and information relating to the type and amount of user data Kogan or thisisyourdigitallife would have been able to obtain (with or without Facebook's permission) as a result of this relationship;

(iii) documents and information relating to any restrictions Facebook imposed on Kogan or thisisyourdigitallife regarding the use or dissemination of data; (iv) documents and information relating to any efforts Facebook made to enforce such restrictions against Kogan or thisisyourdigitallife; and (v) any communications, agreements, or policies (including each updated or amended version thereof) that Facebook distributed or made available to users about privacy or user data since November 2009.

The Court assumes it will be appropriate for the plaintiffs to make expedited discovery requests for at least some of these items.

IT IS SO ORDERED.

Dated: August 27, 2018



VINCE CHHABRIA
United States District Judge